

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicant respectfully requests that the foregoing amendments be entered at least because they place the application in condition for allowance.

Claim 3 is being cancelled without prejudice or disclaimer. Claims 1 and 2 are currently being amended. Support for the amendments to claims 1 and 2 can be found at least in FIG. 2 and the corresponding description in the specification, as well as in the specification on page 21, paragraphs [0073] and [0074]. No new matter is being added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-2 and 7-12 are now pending in this application.

#### ***Rejections under 35 U.S.C. § 103***

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,006,096 to Trompower (“Trompower”) in view of U.S. Patent No. 6,087,987 to Bachhuber et al. (“Bachhuber”). Claims 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Trompower in view of Bachhuber and further in view of U.S. Patent No. 4,733,215 to Memmola et al. (“Memmola”). Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Trompower in view of Bachhuber and Memmola, and further in view of U.S. Patent No. 6,211,776 to Röhl (“Röhl”). Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1, as amended, recites:

A radio system comprising:  
a portable device that may be carried by a user; and

a stationary device for wirelessly communicating with said portable device,  
wherein

said portable device operates such that when said portable device receives first signals from said stationary device, said portable device sends second signals representative of reception intensity data of the first signals back to said stationary device, and

said stationary device sends the first signals from a plurality of stationary-device side antennae located at different positions respectively, and when said stationary device receives the second signals from said portable device through the respective stationary-device side antennae, said stationary device determines a position of said portable device by using the reception intensity data of the first signals included in the respective second signals,

wherein said stationary device varies the setting of the relation of the amplitudes between transmission output powers of the first signals from said respective stationary-device side antennae and sends the first signals, and said stationary device determines the position of said portable device by using the reception intensity data obtained for each said setting,

*said stationary device is arranged to vary the setting of the relation between transmission output powers of the first signals among a plurality of conditions including at least a first condition, a second condition and a third condition, wherein in the first condition the transmission output power of one of the plurality of stationary-device side antennae is larger than an other of the plurality of stationary-device side antennae, in the second condition the transmission output power of the one of the plurality of stationary-device side antennae is equal to the other, and in the third condition the transmission output power of the one of the plurality of stationary-device side antennae is less than the other,*

*the first signals include an identification code of each antenna and a condition code specifying which of said first condition, second condition or third condition is being used,*

*the second signals, in addition to the reception intensity data, contain said antenna identification code and said condition code.*

The references applied in the rejection of the claims fail to suggest at least the above italicized features of claim 1. In particular, the references applied fail to disclose varying the setting between transmission output powers of stationary device side antenna among a plurality of conditions including at least the specific first, second and third conditions as recited in claim 1, or where both the first signals (from the stationary device) and second signals (from the portable device) contain both an antenna identification code and a condition code. Claim 1 is patentable for at least this reason.

Independent claim 2, as amended, recites

A radio system comprising:  
a portable device that may be carried by a user; and  
a stationary device for wirelessly communicating with said portable device,  
wherein  
said stationary device sends first signals from a plurality of stationary-device side antennae located at different positions, and  
said portable device operates such that when said portable device receives the first signals from said stationary-device side antennae of said stationary device, said portable device determines a position of said portable device by using reception intensity data of the respective first signals, and sends a second signal representative of the result of the position determination back to said stationary device,  
wherein said stationary device varies the setting of the relation of the amplitudes between transmission output powers of the first signals from said respective stationary-device side antennae and sends the first signals, and said portable device determines the position of said portable device by using the reception intensity data obtained for each said setting,  
*said stationary device is arranged to vary the setting of the relation between transmission output powers of the first signals among a plurality of conditions including at least a first condition, a second condition and a third condition, wherein in the first condition transmission output power of one of the plurality of stationary-device side antennae is larger than an other of the plurality of stationary-device side antennae, in the second condition transmission output power of the one of the plurality of stationary-device side antennae is equal to the other, and in the third condition transmission output power of the one of the plurality of stationary-device side antennae is less than the other,*  
*the first signals include an identification code of each antenna and each condition code specifying which of said first condition, second condition or third condition is being used,*  
*the second signals, in addition to the reception intensity data, contain said antenna identification code and said condition code.*

The references applied in the rejection of the claims fail to suggest at least the above italicized features of claim 2, for reasons analogous to those discussed above with respect to claim 1.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By

Thomas G. Bilodeau

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

Facsimile: (202) 672-5399

William T. Ellis

Attorney for Applicant

Registration No. 26,874

Thomas G. Bilodeau

Attorney for Applicant

Registration No. 43,438